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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 03-07-70345
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXTENDING THE TIME LIMIT FOR THE
v.)	PRELIMINARY HEARING AND
)	EXCLUDING TIME
GLENIO JESUA FERREIRA SILVA,)	
)	
Defendant.)	
_____)	

On June 18, 2007, at the Initial Appearance for the defendant, the parties appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from June 18, 2007 through July 11, 2007. Further, counsel for the defendant waived the defendant's right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c), (d). On June 27, 2007, the Honorable Bernard Zimmerman issued an Order excluding time as requested by the parties.

The parties now stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from the July 11, 2007 calendar and be continued until July 18, 2007 and

that time should be excluded from the Speedy Trial Act calculations from July 11, 2007 through July 18, 2007 for effective preparation of counsel.

The Government is in the process of preparing and providing discovery to the defendant. Further, counsel for the Government and defense counsel are currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant does not believe it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for effective preparation of counsel to permit defense counsel to review discovery and to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO STIPULATED.

SCOTT N. SCHOOLS
United States Attorney

DATED: July 3, 2007

/s/

DENISE MARIE BARTON
Assistant United States Attorney

DATED: July 3, 2007

/s/

STEVEN GRUEL
Attorney for GLENIO JESUA FERREIRA
SILVA

IT IS SO ORDERED.

The Preliminary Hearing shall be removed from the July 11, 2007 calendar and be continued until July 18, 2007. For the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from July 11, 2007 through July 18, 2007 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant

1 effective preparation of counsel, taking into account the exercise of due diligence, and would
2 result in a miscarriage of justice. See 18 U.S.C. §3161(b)(8)(B)(i).

3
4
5 DATED: 7-9-07



STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME LIMIT FOR THE PRELIMINARY
HEARING AND EXCLUDING TIME- CR 03-07-70345 BZ